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FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Timothy J. Penny
House of Representatives
436 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Penny:

This is in reply to your letter of January 27, 1993, in which you inquired on behalf of your constituent, Donald Schlichting, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Schlichting is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

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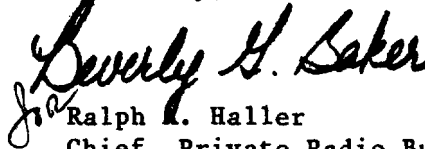
Honorable Timothy J. Penny

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We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due February 26, 1993, and Reply Comments are due April 14, 1993. We expect final rules to be issued near the end of 1993. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ralph H. Haller".

Ralph H. Haller
Chief, Private Radio Bureau

Enclosures:

Notice

Discussion paper

Congressional

DUE: 2-9-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/01/93

LETTER REPORT

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TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Timothy Penny	BC

CONSTITUENT'S NAME	SUBJECT
Donald Schlichting	info/comments on a docket

REF TO	REF TO	REF TO	REF TO
PRB/Lmmid 2-2-93	888		
DATE	DATE	DATE	DATE
02/01/93			

REMARKS: Contact person: Mark Mullenbach, 225-2472.

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TIMOTHY J. PENNY

1ST DISTRICT, MINNESOTA

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MANKATO, MN 56001
(507) 625-6921

January 27, 1993

Congressional Liaison
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554


Dear Sir or Madam:

I am forwarding a copy of a letter which I received from a resident of the state of Minnesota. I would appreciate it if you could look into this matter and get back to me with your response.

If you have any questions, please contact Mark Mullenbach of my Washington D.C. office at (202)225-2472.

Thank you for your assistance.

Sincerely,


TIMOTHY J. PENNY
Member of Congress

TJP:mm
Enclosure

RECEIVED
FEB 2 2 53 PM '93
PRIVATE RADIO BUREAU
F.C.I.

January 18, 1993

The Honorable Tim Penney
436 Cannon Bldg.
Washington, DC 20510

Dear Mr. Penney:

I am a hobby retailer who sells many radios, radio-controlled models and related products in my store. In addition, I sell train products, plastic model kits and other related hobby products.

It has recently come to my attention that the Federal Communications Commission (FCC) is considering an action that has the potential to destroy my business and that of thousands of other retailers nationwide like me. The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

Our radio-control frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

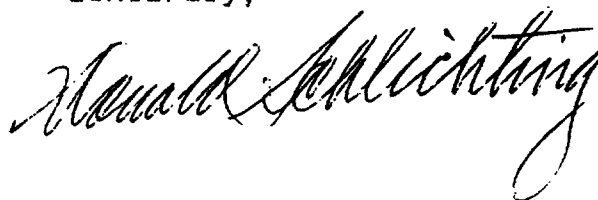
The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface models by keeping 10 KHz spacing between fixed commercial users and frequencies used by R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 KHz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 frequencies on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

When we operate our R/C models, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a billion dollar industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people and contributes to the advancement and development of the commercial aviation industry.

Please help me continue my business without interference by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid this economic mistake.

Sincerely,

A handwritten signature in cursive script, reading "Donald Schlichting".

DON'S HOBBY
424 SOUTH FRONT ST.
MANKATO, MN. 56001
(507) 387-1330